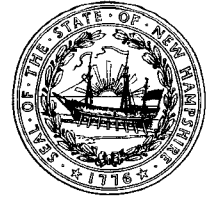




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 6, 2006

Mr. Benjamin Gilman
6424 Royal Celadon Way
Charlotte, North Carolina 28269

CERTIFIED MAIL (7005 1160 0004 7467 7205)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION
(Asb)

RE: Improper Asbestos Abatement at 52 Central Street, Claremont, New Hampshire

Dear Mr. Gilman:

On June 5, 2006, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received information from the City of Claremont Code Officials, Kenneth Walsh and Glenn Partridge ("Claremont Code Officials") that proper work practices for asbestos-containing material ("ACM") abatement were not being followed at a dwelling located at 52 Central Street, Claremont, New Hampshire (the "Property"). On March 7, 2006, Claremont Code Officials conducted an inspection at the Property. On March 27, 2006, the Claremont Code Officials issued you a notice of violation regarding certain code violations noted at the Property. Specifically, the letter stated that damaged pipe insulating material was observed and that the insulating material may contain asbestos. In a letter dated April 28, 2006, from Environmental Sampling & Testing ("EST") to Christine Corey of American Star Real Estate, EST set forth its findings regarding the condition of the asbestos containing material in the basement of the Property. In the letter, EST noted that thermal [pipe] insulation was observed in the basement and that it was wrapped with shrink wrap plastic and duct tape.

On June 5, 2006, DES personnel met with Claremont Code Officials to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities at the Property. The Claremont Code Officials told DES personnel that your realtor, Christine Corey, told the officials that you wrapped the pipes yourself. On that same day, DES personnel spoke to Ms. Corey and she confirmed that you wrapped the pipes yourself. As a result of the inspections and of the information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered during the investigation and from information received by DES. The specific violations are as follows:

- RSA 141-E:10, *Licensure*, and Env-A 1805, *Work Practice Requirements*, contain specific provisions pertaining to asbestos abatement in New Hampshire. RSA 141-E:2 II(b) includes the encapsulation of pipes in the definition of "asbestos abatement." RSA 141-E:10 and Env-A 1805.02 require the contractor(s) and personnel involved in a major asbestos abatement project to be licensed and certified. DES does not have any records that you are an asbestos contractor licensed in the State of New Hampshire.

No further action related to the listed violations is required. However, DES wants to make it clear that there are requirements for proper asbestos abatement. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,

A handwritten signature in black ink is written over the word "COPY", which is printed in large, bold, outlined capital letters. The signature appears to be "P. Monroe" with a long horizontal flourish extending to the right.

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/asb

cc: H. Pilgrim, USEPA Region 1
G. Hamel, Legal Unit Administrator
Scott Pope, Mayor, City of Claremont
Kenneth Walsh, Chief Building Code Official, City of Claremont
Glenn Partridge, Code Official, City of Claremont
C. Corey, American Star Real Estate
Edith and William Summers